

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

KANAUTICA ZAYRE-BROWN,

Plaintiff,

v.

No. 3:22-cv-00191

THE NORTH CAROLINA
DEPARTMENT OF PUBLIC SAFETY,
et al.,

Defendants.

**CERTIFICATION AND REPORT OF
RULE 26(f) CONFERENCE AND DISCOVERY PLAN**

1. **Certification of Conference.** Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 16.1, counsel held an Initial Attorney Conference on October 13, 2022 via teleconference. The following counsel attended the conference: Jaclyn A. Maffetore, Daniel K. Siegel, Michele Delgado, Jon W. Davidson, Taylor Brown, and Christopher A Brook for Plaintiff; and Orlando L. Rodriguez and Stephanie A. Brennan for Defendants.

2. **Pre-Discovery Disclosures.** The parties will exchange the information required by Fed. R. Civ. P. 26(a)(1) by **October 27, 2022.**

3. **Discovery Plan.** The parties jointly propose to the Court the following discovery plan:

- a. All discovery shall be commenced in time to be completed by **April 21, 2023.**

b. Discovery Limits:

- i. Maximum of **25** interrogatories by Plaintiff and **25** by Defendants collectively.
- ii. Maximum of **25** requests for admission by Plaintiff and **25** by Defendants collectively.
- iii. Maximum of **12** depositions by Plaintiff and **12** by Defendants collectively, not including expert depositions, which are not limited in number.

c. Disclosure of and reports from retained experts under Rule 26(a)(2) will be due:

- i. from Plaintiff by **January 13, 2023**
- ii. from Defendants by **February 27, 2023**

Disclosure of rebuttal experts shall be in accordance with Rule 26(a)(2)(D)(ii). Supplementations will be as provided in Rule 26(e) or as otherwise ordered by the Court.

4. Other Items.

- a. The parties do not request a conference with the court before entry of the scheduling order.
- b. The parties agree that they may informally grant to one another extensions of time on deadlines stated herein without having to seek Court approval, except that the parties understand that they may not agree to alter the following without Court approval: the deadline for

conclusion of discovery; the deadline to join parties and amend pleadings; and the deadlines for dispositive motions and responses/replies thereto.

- c. The parties will be allowed until **April 21, 2023** to request leave to join additional parties and to amend the pleadings. After this date, the Court will consider, *inter alia*, whether granting leave would delay trial.
- d. All potentially dispositive motions must be filed by **May 22, 2023**. Responses to dispositive motions must be filed **21 days** after service of the motion, and replies must be filed **14 days** after service of the response.
- e. The parties agree that a mediated settlement conference would be most useful if conducted after completion of discovery.
- f. The parties shall disclose final lists of witnesses and exhibits under Rule 26(a)(3) by **21 days** before trial.
- g. The case should be ready for trial no earlier than **30 days** after the Court enters a ruling on any dispositive motions. Trial of this matter is expected to take approximately **5 days**. A jury trial has been demanded on issues so triable.
- h. The parties agree that a protective agreement or order pursuant to Fed. R. Civ. P. 26(c) governing the procedure for handling certain sensitive or confidential information would be beneficial in this case. The parties plan to jointly submit a proposed Consent Protective Order.

- i. The parties have discussed the issue of whether to consent to the jurisdiction of a U.S. Magistrate Judge, and the parties do not consent.

/s/ Jaclyn A. Maffetore

Jaclyn A. Maffetore
NC Bar No. 50849
Daniel K. Siegel
NC Bar No. 46397
Michele Delgado
NC Bar No. 50661
ACLU OF NORTH CAROLINA
LEGAL FOUNDATION
P.O. Box 28004
Raleigh, NC 27611-8004
Tel: (919) 834-3466
jmaffetore@acluofnc.org
dsiegel@acluofnc.org
mdelgado@acluofnc.org

Christopher A. Brook
NC Bar No. 33838
PATTERSON HARKAVY LLP
100 Europa Drive, Suite 420
Chapel Hill, NC 27517
Tel: (919) 942-5200
Fax: (866) 397-8671
cbrook@pathlaw.com

Jon W. Davidson*
(admitted only in California)
Taylor Brown*
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
125 Broad Street, 18th Floor
New York, NY 10004-2400
Tel: (212) 519-7887
Fax: (212) 549-2650
jondavidson@aclu.org
tbrown@aclu.org

*admitted *pro hac vice*

Attorneys for Plaintiff

JOSHUA H. STEIN
ATTORNEY GENERAL

/s/ Orlando L. Rodriguez
Orlando L. Rodriguez
Special Deputy Attorneys General
N.C. Department of Justice
Bar No. 43167
orodriguez@ncdoj.gov

/s/ Stephanie A. Brennan
Stephanie A. Brennan
Special Deputy Attorney General
N.C. Department of Justice
Bar No. 35955
sbrennan@ncdoj.gov

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2022, I filed the foregoing Certification and Report of Rule 26(f) Conference And Discovery Plan with the Clerk of Court using the CM/ECF system, which effect service on all counsel of record.

/s/ Jaclyn A. Maffetore

Jaclyn A. Maffetore

Attorney for Plaintiff